

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BLUE HILLS OFFICE PARK LLC,

Plaintiff, Defendant-in-Counterclaim,

v.

Civil Action No. 05-CV-10506 (WGY)

J.P. MORGAN CHASE BANK, as Trustee for the
Registered Holders of Credit Suisse First Boston
Mortgage Securities Corp., Commercial Mortgage
Pass-Through Certificates, Series 1999-C1., and
CSFB 1999-C1 ROYALL STREET, LLC,

Defendants, Plaintiffs-in-Counterclaim,

v.

WILLIAM LANGELIER and GERALD
FINEBERG,

Defendants-in-Counterclaim.

**MOTION OF DEFENDANTS AND PLAINTIFFS-IN-COUNTERCLAIM
TO EXCLUDE EXPERT TESTIMONY OF DR. KENNETH GARTRELL**

Defendants and Plaintiffs-in-Counterclaim J.P. Morgan Chase Bank, as Trustee for the Registered Holders of Credit Suisse First Boston Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 1999-C1, and CSFB 1999-C1 ROYALL STREET, LLC (collectively, “the Lender”) move to exclude the testimony of plaintiff’s expert witness designee Dr. Kenneth Gartrell (“Gartrell”).

Gartrell opines about the fair market value of the Blue Hills Office Park as of November 19, 2004, when the Lender sold the property at foreclosure sale, and opines about a loss of plaintiff’s equity based on that value. Gartrell is not qualified to value real estate and his

methods of real estate valuation do not meet the reliability requirements of Federal Rule of Evidence 702.

He also opines that plaintiff was damaged by lost loan reserves but gives no bases or reasons to support that conclusion. He opines that plaintiff was damaged by lost tax benefits of holding the property, but admits he was asked to assume that and knows nothing about it.

Under the standards of Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 579 (1993) and Kumho Tire Co., Ltd. v. Carmichael, 526 U.S. 137 (1999), his testimony should be excluded in its entirety.

In support of this motion the Lender relies on the accompanying memorandum of law and Affidavit of Bruce E. Falby with exhibits.

Respectfully submitted,

J.P. MORGAN CHASE BANK, as Trustee for the
Registered Holders of Credit Suisse First Boston
Mortgage Securities Corp., and
CSFB 1999-C1 ROYALL STREET, LLC

By their attorneys,

/s/ Bruce E. Falby
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Dated: May 17, 2006

LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned counsel for CSFB and the Trustee certifies that he has conferred with Peter McGlynn, counsel for defendants-in-counterclaim Blue Hills Office Park LLC, William Langelier, and Gerald Fineberg, in a good faith attempt to resolve or narrow the issues presented by this motion.

/s/ Bruce E. Falby

Bruce E. Falby